

09/772,231MS15S741.01/MSFTP186US**REMARKS**

Claims 1-35 are currently pending in the subject application and are presently under consideration. Claims 1, 6, 14-17, 19, 22, 26 and 29 have been amended as shown at pages 5-11 of the Reply. Claim 5 has been cancelled. In addition, the specification has been amended as indicated at pages 2-4.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-35**

Claims 1-35 are rejected to under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of co-pending Application No. 09/771,734 as not being patentably distinct from each other. The claims are believed to be distinct in view of the amendments to the independent claims in this Reply. More particularly, the claims in this application and that of the co-pending application disclose two different approaches to securing process communication, common domains versus key values.

Accordingly, withdrawal of this rejection is respectfully requested.

**II. Rejection of Claims 1-21 Under 35 U.S.C §112**

Claims 1-21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 14-17 and 19 have been amended to cure any deficiencies related to this rejection. Therefore, this rejection should be withdrawn.

**III. Rejection of Claims 1- 35 Under 35 U.S.C. §102(b)**

Claims 1-35 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tucker *et al.* (U.S. Patent No. 5,808,911). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Tucker *et al.* does not teach each and every element of the subject invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set

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09/772,231

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MS155741.01/MSFTP186US

forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to providing secure communication from a user-level application or process that has direct access to communication hardware components. The communication is secured by validating that queues and communication context are members of the same domain. In particular, independent claim 1 (and similarly claims 14, 22, 23, 26 and 29) recites *communication between the first queue and the first communications context is controlled based on whether an appropriate association exists between the first queue and the first communications context, the association between the first queue and the first communications context being provided through a privileged operation not adjustable by the first process, the association between the first queue and the first communication context requires membership to a common domain.*

Tucker *et al.* does not teach or suggest the aforementioned novel aspects of applicant's invention as recited in the subject claims. Although the cited art depicts communication between a thread and a handler within the same domain, Tucker *et al.* explicitly states that common membership in a domain is not a requirement for a thread to communicate with a handler. (See e.g., column 3, lines 5-18) Therefore, Tucker *et al.* does not employ domains to secure communication. Consequently, Tucker *et al.* fails to teach or suggest that the association between the first queue and the first communication context requires membership to a common domain.

In view of the foregoing, applicant's representative respectfully submits that Tucker *et al* fails to teach or suggest all limitations of the subject invention as recited in independent claims 1, 14, 22, 23, 26 and 29 (and claims 2, 5-11, 13-15, 20, 22-24, 26-27, and 31-33 that depend there from), and thus fails to anticipate the claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

09/772,231MS155741.01/MSFTP186US**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP186US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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